

they view this as an opportunity to create more Granite-State jobs, including companies such as BAE Systems in Nashua; Bosch Thermotechnology in Londonderry; Elbit Systems in Merrimack; Globe Manufacturing Company in Pittsfield; General Electric in Hooksett; Goss International Americas in Durham; Intel Corporation, which also has a facility in Merrimack; Medtronic in Portsmouth; and New Hampshire Ball Bearings in Lanconia. In fact, I had a chance to visit New Hampshire Ball Bearings and to talk to them about the importance of not only Ex-Im financing—as a supplier, this is important to them—but also the importance, obviously, of trade. Also, Osram Sylvania in Manchester, Hillsboro, and Exeter; Polartec in Hudson; Texas Instruments has a facility in Manchester; and Velcro USA is in Manchester. These are just a few examples of the many Granite State companies that depend on American trade and an opportunity to sell the great products they produce overseas.

Here is what I have heard from my constituents in New Hampshire about the pending bill on the floor when it comes to creating good-paying jobs in New Hampshire.

Tony Giunta, a city counselor for Franklin's Ward 1, wrote to me and said:

Our community is working diligently to boost its economic development. Our priority is jobs and attracting new businesses to our city. It is in that regard I am writing to ask for support on the pending trade vote in the U.S. Senate . . . Our President needs the flexibility to handle the details and present a full plan to Congress for final approval.

That precise system has worked for many years and I believe it should be extended for another 5 years. . . . The Wall Street Journal recently reported that our trade deficit rose to its highest level in nearly six and a half years and the trend line is headed in the wrong direction. We need to do all we can to boost free trade in this country.

Our state's economy depends on it. My city's future depends on it as well. . . . Considering nearly one-quarter of our workforce provides goods and services that are exported abroad means this proposal will have a tremendous impact on our state's economy.

Emily Heisig is senior vice president of the New England Council. This council is a very important council for employers in New England and in New Hampshire.

She wrote:

While interstate commerce among the states remains a significant avenue for business prosperity, The New England Council believes that foreign markets must be cultivated to tap into the buying power of this vast and ever-burgeoning consumer base. Indeed, across New England, more than 24,000 companies export to foreign markets, and in 2014, that supported nearly 265,000 export-related jobs for our region. The value of goods exported from New England last year was \$56.5 billion.

Jim Roche is president of the New Hampshire Business and Industry Association. The New Hampshire Business and Industry Association is a very important group in New Hampshire and

brings New Hampshire businesses together. He wrote to me and said:

Nearly 40 million American jobs depend on trade. This is especially true for New Hampshire where trade plays a big role in our economy. Trade supports more than 179,000 jobs in the state and our exports of goods and services last year reached nearly \$7 billion. Trade is especially important for New Hampshire's small businesses, more than 2,200 of which are exporters.

Pete McNamara, president of the New Hampshire Automobile Dealers Association, recently visited me in Washington. He also wrote to me and said:

The New Hampshire Auto Dealers Association supports free trade. In this competitive world market, the U.S. needs the TPA. America drives the world economy, but outside our borders are markets that represent 80% of the world's purchasing power, 92% of its economic growth, and 95% of its consumers.

Texas Instruments has a very good facility in Manchester. I had a chance to visit that facility and meet the workers in these great-paying jobs and also jobs that are very important, with expertise on technology.

Mark Gary is the vice president and manager of the Manchester site. He said:

Texas Instruments strongly supports TPA-2015 and urges its swift approval. Renewing TPA provides an opportunity for American companies and their workers to secure 21st century rules to govern international trade. Innovation is the Granite State's greatest asset. New Hampshire's high-tech companies, startups, and universities are generating breakthrough innovations and technologies. High tech companies now represent 8.6% of the state's economy and pay 92% more than average wages. TI Manchester is the heart of the largest power management unit . . . TPA is critical for TI to secure market access, maintain a competitive global supply chain, and support our high value-added design jobs here in New Hampshire.

I also heard from Sylvia Linares, director of engineering and New Hampshire site leader at Intel in Merrimack, NH, which is also very important for New Hampshire jobs.

Passing TPA will arm U.S. trade negotiators with a clear set of principles and objectives that support our nation's economic, social, and technological interests. These rules have never been more important. In Merrimack, NH we have a very specialized design team that stands to benefit from these rules—rules around intellectual property theft, forced technology transfer and compromised encryption standards. At Intel, we conduct roughly three quarters of Intel's advanced manufacturing and R&D right in the U.S., investments which are supported by three quarters of our revenue from sales elsewhere in the world. We are proud to be part of the New Hampshire tech community by spending more than \$5 million annually with approximately 50 suppliers in the state.

With 95 percent of the world's customers and 80 percent of the world's purchasing power outside of the United States, we have to do everything we can to ensure that we have more American trade. American trade that supports jobs here allows us to sell the great work we and our workers do here and the products we produce overseas.

That is why the bill pending on the floor is so important to creating more American jobs.

Since the 1930s, nearly every President has used trade promotion authority to negotiate foreign trade policy. This bill contains the clearest outline of trade priorities in our Nation's history. It includes almost 150 ambitious, high-standard negotiating objectives that will direct our trade negotiators to break down barriers that hurt American businesses and will allow American businesses to have more American trade to create jobs here.

The bottom line is that trade promotion authority will ensure that in the Granite State, New Hampshire businesses can create more jobs. In fact, the estimate in New Hampshire is that if you look at some of the agreements, such as the current transatlantic and transpacific trade negotiations, those could spur international investment in New Hampshire and create an estimated over 8,200 jobs in New Hampshire if the President is able to go forward and negotiate the right agreements that allow us to create American jobs.

So there are two issues that I have talked about. We need to get the Ex-Im Bank reauthorized before it expires so that employers in New Hampshire that have been able to use this financing mechanism and the many suppliers that also support companies outside of New Hampshire but that create New Hampshire jobs can have an opportunity to continue to use this financing to put more people to work in New Hampshire. We also need to pass trade promotion authority that is pending on the floor. If you look at the list of New Hampshire businesses that will benefit from this opportunity to create more New Hampshire jobs and more American jobs in the United States of America, this is something we need to do to strengthen our economy in the Granite State and to strengthen our country to make sure there are more opportunities for people to work in this country.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

#### AFFORDABLE CARE ACT

Mr. MURPHY. Mr. President, shown in this picture I have in the Chamber is Christina from Stratford, CT. She is a small business owner, and she has a story that is becoming pretty familiar all across the country. She left a job a couple of years ago that provided for employer-based health care, and she wanted to start her own business in Bridgeport, CT, right next to Stratford. So she stayed insured through COBRA for a period of time until it expired, and then she had to go out into the individual market. She recalls having to fill out a 15-page questionnaire when she was applying for individual coverage. She said it asked about "anything that I had even remotely discussed with my doctor." Unfortunately

for her, some of those things—pre-existing conditions—meant that she was denied health care coverage.

So she had to go into Connecticut's high-risk pool, which meant she was paying \$1,200 per month. Anybody who has started up a small business from scratch knows that can be pretty prohibitive. Her salvation came through the Affordable Care Act. When it went into effect and Connecticut's exchange was established, she was able to find a plan that cost her \$430 per month, which is frankly on the high end of plans but it was much more affordable than the one she had.

She said: "I'm thankful that there was a solution for me to be able to keep my business [and] have affordable health insurance" that can't be taken away.

Similar stories can be told all over the country, but it is not just anecdotes that we have to rely on any longer to talk about the success of the Affordable Care Act.

I know that we are obsessed this week, appropriately so, with the PATRIOT Act, the transportation reauthorization, and the free-trade agreement, or the fast-track agreement. But the Supreme Court is likely upon our return after the Memorial Day recess to rule on one of the most important cases that it has heard during most of our tenures, and that is the *King v. Burwell* case. It is important to spend some time before we break talking about the subject of that case, the Affordable Care Act. Christina's story is miraculous—somebody who was able to start a business and keep that business open because of the Affordable Care Act. But she is one of 16.4 million people all across this country who now have health care because of the Affordable Care Act—most through Federal and State exchanges but some because they were able to stay on their parents' plan until age 26 or are able to access Medicaid.

Last month's Gallup poll showed that the uninsured rate in this country has declined by 35 percent over the course of the last year and a half, or since 2013. That is a remarkable number. We shouldn't hesitate from noting that it is just absolutely exceptional in the history of this country to have a one-third reduction in the number of people who don't have insurance in such a short period of time. The good news is that most of the folks who have insurance are satisfied, just as is Christina. Opponent after opponent of the ACA tells us this is going to be terrible health care and that there is no way the government could have anything to do with a health care plan that people want. Of course, it is not government-run health care. It is subsidized by tax credits from the government, but it is private health care insurance, with the exception of those Medicaid plans.

J.D. Power surveyed thousands of ACA enrollees and found that they like their exchange plans more than people like their nonexchange plans. So

health care on this exchange is more popular than health care off of the exchange.

The good news isn't just about the number of people who have coverage; it is that costs are coming down. For the accountable care organizations, which are an innovation in the Affordable Care Act to try to build big integrated systems of care, the pilot program just came in with their savings numbers, and \$384 million were saved just on this one innovation alone. That is \$300 per patient. That is a big deal because it speaks to a larger trend line in which we are for the first time in a very long time able to control health care costs. On an annual basis, last year we saw the lowest increase in medical costs, the lowest medical inflation number in a generation.

But costs are coming down in part because of things that we put into place through the Affordable Care Act. My colleague Senator BARRASSO was down here yesterday with a wonderful chart about Connecticut. I appreciate his giving Connecticut a little bit of extra publicity, but his speech really was a wonderful advertisement for the Affordable Care Act. He noted that several insurers in Connecticut just came out with rate increase requests, and he had the numbers up there. They were 8 percent and 10 percent. They were substantial increases. They were not unfamiliar, because prior to the Affordable Care Act, that is what individuals and businesses were facing every single year. They were double-digit increases.

The rate increases that Senator BARRASSO was referring to were completely in line with what those same insurance plans requested last year in Connecticut. Last year Anthem Blue Cross Blue Shield requested a 12-percent rate increase. ConnectiCare requested 12 percent. Because of the Affordable Care Act, which allows States to do reviews and amendments to those rate increases, Anthem's request last year went from 12 percent to 0 percent, and ConnectiCare's request went from 12 percent to 3 percent. We had in Connecticut one of the lowest increases in health care premiums on record because of the Affordable Care Act.

So it is right that these health insurers are requesting big rate increases. But now, because of the law we passed, they don't get those rate increases in States such as Connecticut. They actually have their numbers vetted. They have their actuarial analysis reviewed, and they get a better number to the benefit of my constituents.

But this Supreme Court case that is going to come up is important because it puts millions of Americans at risk for losing many of the protections that I just talked about. It basically says that the Affordable Care Act was designed in a way to only provide these subsidies to help people get insurance on State-based exchanges, and if they were on a Federal exchange, they, by design, weren't supposed to get these subsidies.

Well, a lot of people talk about what the intent of the law is, but you don't even have to get into the intent of the law. On its face the text of the Affordable Care Act is absolutely clear, because, yes, there is a reference—one line to the fact that subsidies will flow to the State exchanges. But the plaintiffs' case completely ignores another section of the Affordable Care Act which gives the Secretary the power to establish exchanges in States that don't do it themselves. That is what has happened by the substitution of Federal exchanges for State exchanges. And, of course, the text of the bill just does not work if you believe the plaintiffs' analysis. The plaintiffs say this is supposed to be a penalty. If you didn't set up a State exchange, we are penalizing your constituents by withholding subsidies. Well, there is not a single line in the Affordable Care Act that suggests that this is a penalty. And there is the fact that the Supreme Court has said that if you want to do that, you have to make it explicit and you can't have guesswork involved as to the carrot-and-stick approach afforded to a State.

Doug Elmendorf, who was the head of CBO at the time said:

I could remember no occasion on which anybody asked why we were expecting subsidies to be paid in all states regardless of whether they established their exchanges or not. And if people had not had this common understanding about what the law was going to do at the time, I'm sure we would have had a lot of questions about that aspect of our estimates.

Finally, the bill doesn't work on its face if you believe the plaintiffs' argument. Why? Because the insurance reforms are national. And yet the subsidies, according to the plaintiffs, are only for States that established their own exchanges. Well, the insurance reforms don't work if everybody doesn't have insurance in those States. You can't say that folks who have pre-existing conditions can't be discriminated against if people in those States don't all have insurance. That actuarially doesn't work. So the whole bill falls apart if you believe the plaintiffs' case.

I am, frankly, totally confident that the Supreme Court is going to find in favor of the government because there is no other way to read the Affordable Care Act other than to believe that subsidies go to both State and Federal exchanges. It is plain on the face of the statute, but certainly you have to get to it in the intent as well.

We are starting to see that Republicans are thinking they are going to need to have an answer if—in the unlikely case, as I believe—the Supreme Court decides in favor of the plaintiffs.

But this is a pretty good summary of what the Republicans' plan is to respond to *King v. Burwell*. The Republicans' plan, if *King v. Burwell* goes in favor of the plaintiffs, is essentially a shrug of the shoulders.

The predominant bill on the Republican side is offered by my friend Senator JOHNSON from Wisconsin. He

claims that this bill is going to fix the problems in the Affordable Care Act if the King v. Burwell decision is decided in favor of the plaintiffs. But it is nothing except for just another attempt to repeal the Affordable Care Act. It is disguised as a way to address King v. Burwell, but it is simply an effort to repeal the law. You don't have to read too deeply in the bill to figure that out. It preserves the subsidies for about a year and a half, but after that period of time it ends subsidies in the Federal exchanges and then it also ends subsidies in the State exchanges.

Let me say that again. The Johnson bill doesn't just end the subsidies that the Court might rule unconstitutional; it also ends the subsidies in the exchanges that the Court won't rule as unconstitutional if King v. Burwell is decided in favor of the plaintiffs. Thus, it is a repeal of the bill. It goes well above and beyond what would be necessary to address an adverse decision.

It then goes even further. The Johnson bill then repeals the individual mandate. It repeals the employer mandate, and when you do that, the insurance reforms fall apart. Even Senator CRUZ on the floor during his filibuster conceded that you can't protect people with preexisting conditions unless you also require people to get insurance.

Lastly, the Johnson bill ends the essential-benefits packages. So this guarantee, that if you buy insurance you are going to get a basic floor of services, is no longer. The Republican response to King v. Burwell is simply to repeal the Affordable Care Act, and I hope we never get to the point where we have to debate how we address an adverse decision in the King v. Burwell decision, but this is a nonstarter. Everyone inside and outside of this building should understand that. I don't think it is coincidence at all that over 30 cosponsors of the Johnson bill also support repealing the Affordable Care Act.

One cannot deny that it is working. From the New York Times to the Washington Post to the Wall Street Journal, people understand that the Affordable Care Act is changing people's lives—16 million people with insurance, health care costs stabilized for the first time in many of our lifetimes, and quality getting better. The Affordable Care Act works, and I hope that our colleagues will come together, no matter the decision in King v. Burwell, to make sure that it continues to work for Americans all over this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### EXTENSION OF MORNING BUSINESS

Mr. FLAKE. Mr. President, I ask unanimous consent that morning business be extended until 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1243

Mr. FLAKE. Mr. President, I want to talk about trade for a minute. Let me start by saying that I believe in free trade. I strongly support swift renewal of the trade promotion authority we are considering today. We all know the benefits of increased market access for U.S. goods and services are good for American consumers and businesses.

Renewal of trade promotion authority will pave the way for future free-trade agreements between the United States and many other nations. Countries around the world are not standing still on trade, and we cannot afford to sit idly by while they move ahead and engage with each other. History has shown that without trade promotion authority, there is virtually no chance that the United States will successfully reach agreement to lower trade barriers with other countries. We have to have this authority.

I am pleased to have the opportunity to participate in these deliberations, with a shared goal of making sure the trade legislation we are considering today ends up on the President's desk. Toward that goal, I want to raise an amendment I filed that is currently pending.

The proposal we are now debating will renew trade promotion authority for 6 years, but it will also renew trade adjustment assistance. This program will be expanded as well. The Flake amendment No. 1243 will strike the trade adjustment assistance title, or TAA, in its entirety from this package. It is unfortunate that Congress has grown accustomed to tying legislation that expands trade opening for U.S. businesses with this costly trade adjustment assistance.

I reject the notion that these trade-offs are necessary. When Congress takes steps to embrace trade liberalization, it is a responsible reflection of the changing realities in the global marketplace. Almost 95 percent of the world's consumers live outside of our borders. The export of U.S. goods and services has been and will continue to be a vital part of our economy. Adjusting and modernizing U.S. trade priorities to increase economic opportunity is a realization that there is a necessary shift in our economy. Changing economic trends and conditions are a recurring part of our country's history. Look no further than the emergence of digital technology to see a familiar example. But it is only in the case of trade policy changes that the Federal Government is expected to layer on additional benefits for impacts to the workforce.

When you look at this economy and you look at how we have grown and if you look at the shifts in the economy from the industrial age onward, there have been shifts and there have been dislocations, but this is the only area where we say: All right, we are going to try to account for that with adjustment assistance beyond what we already have with the Federal Government.

Now taxpayers can at least breathe a sigh of relief that an amendment offered earlier this week that would have dramatically increased the program's authorized funding, this TAA funding, was handily defeated.

If this program is approved, we can expect to see \$450 million a year spent on training, employment, case management services and job search and relocation allowances alone. In fact, all told, TAA reauthorization will likely cost the U.S. taxpayers about \$1.8 billion.

TAA benefits were expanded in the 2009 stimulus bill. Those expanded benefits were, for the most part, continued from 2011 through 2014. Now, this reauthorization will restore much of that benefit expansion from the manufacturing sector to the service sector and will cover any jobs moved overseas, not just those related to countries with which we have free-trade agreements—this is despite the application criteria for Federal adjustment assistance having been notoriously lax, most notably when employees who were laid off after the Solyndra Federal loan guarantee debacle were awarded TAA benefits.

To be clear, it is not as if those who claim to need trade adjustment assistance are somehow turned away from existing Federal unemployment benefits. These trade adjustment allowance benefits provide a weekly payment to those who have already received unemployment insurance benefits. Including unemployment benefits, these payments can last as long as 130 weeks.

Duplication in Federal job-training programs has been highlighted extensively in the past. According to a 2011 Government Accountability Office report, although some of these have been repealed, 79 Federal agencies spent \$18 billion to administer 47 programs in fiscal year 2009. Again, some \$18 billion was spent to administer 47 programs in fiscal year 2009.

Supporters of trade adjustment assistance claim that the needs of workers impacted by vibrant international trade are somehow special in nature, but when the price tag for all existing and newly authorized training programs and funding reaches into the billions, those arguments wear a bit thin.

There have also been persistent questions related to the program's effectiveness, TAA's effectiveness.

The nonpartisan Congressional Research Service noted that "estimating the impact of the program, for example the differences in employment outcomes of TAA beneficiaries versus otherwise identical workers who did not participate in TAA, is extremely difficult."

A 2012 study by Mathematica Policy Research commissioned by the Department of Labor did a comparison of TAA beneficiaries to those who were not receiving them. They found that after 3 years, TAA recipients actually had lower reemployment rates. However, after 4 years, employment rates for both groups were statistically the